MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2015/2016

BHM3086 –LAW FOR ENGINEERS

(All Sections/Groups)

1st JUNE 2016
2.30 p.m. - 4.30 p.m.
(2 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **TWO (2) HOURS** in which to answer the questions.
2. This question paper consists of 2 pages, with 5 Questions only.
3. Answer any **FOUR** questions out of **FIVE** questions
4. Please write your answers in the Answer Booklet provided.

QUESTION 1

We have witnessed the significant of common law being part of the development engines of legal rules in Malaysia. At the same time, many new pieces of legislations come into effect over the times. Judges' roles in interpreting law are also being given considerable recognition. Ancient traditions are being enhanced by various Acts. Parallel to all this development, is the continued admissibility of Islamic law.

How much do you agree to the above statement? Discuss.

(25 marks)

QUESTION 2

Bina-Bina Sdn Bhd was constructing an 80-feet-tower in the heart of Kampung Kubang. Realising the importance of safety to the villagers nearby, the company has taken all precautions for the protections of the passers-by.

One day, Pak Ali who was walking by the side of the construction site did not notice of the uncovered hole caused by the construction. Thus, he fell and dislocated his ankle.

Halim, the junior engineer of the company who was visiting the site saw Pak Ali and quickly brought him to the nearby hospital.

As Pak Ali's condition was not serious, he was just registered as an outpatient and had to wait for his turn to get the treatment. After two (2) hours of waiting, suddenly Pak Ali had a sudden heart attack and died on the sport before receiving any treatment.

Shahida, Pak Ali's daughter was so upset with his death and threatened to take action against Bina-Bina Sdn Bhd, Halim and the hospital for their negligent act.

Discuss.

(25 Marks)

Continued .....

QUESTION 3

Analyse the following situations and explain whether the courts concerned have appropriate jurisdiction to decide over the cases.

a. Mr Albert died leaving behind him a will and testament. His wife who was not named as one of the beneficiaries in the will wished to challenge its validity in the Federal Court.

(12 marks)

b. Khalil who was sentenced to four (4) years imprisonment and whipping by the First Class Magistrate's court was not happy with the decision. He wished to appeal to the session's court as he was of the opinion that the first class magistrate's court's jurisdiction can only impose punishment of not more than 12 months imprisonment.

(13 marks)
(Total: 25 marks)

QUESTION 4

One of the aims of the Registration of Engineers Act 1967 is to provide relevant provisions pertaining to the registration of engineers in Malaysia. Ever since its legislation, it has gone through various amendments. The latest amendment which was enforced on 31st July 2015 by the Minister of Works directly address liberalisation issues in order for the country to meet its international obligations.

In light of this, critically examine those amendments focusing on the issues of registration of engineers and registration of firms and/or companies in Malaysia. Further, compare the situation with the decision of the Court of Appeal in the case of *Luxor Holdings Sdn Bhd v. Hainal-Konyi (M) Sdn Bhd [2006] 2 CLJ 856.*

(25 marks)

QUESTION 5

One of the areas of intellectual property is copyright which is governed under the Copyright Act 1987. The right to the protection of copyright under the act is subject to the nature of the works and its subsistence.

Discuss.

(25 marks)

(TOTAL: 100 Marks)
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